

CITY OF CONCORD
1950 Parkside Drive, MS/08
Concord, California 94519-2578
FAX: (925) 671-3469

OFFICE OF THE CITY ATTORNEY
Telephone: (925) 671-3160



Craig Labadie
City Attorney

FILED
Mark T. Boehme
Assistant City Attorney

2006 NOV - 7 PM 34
Mark S. Coon
Assistant City Attorney

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Keiko Kobayashi
Deputy City Attorney

November 3, 2006

The Honorable Magistrate Judge Joseph C. Spero
United States District Court
Northern District of California
450 Golden Gate Ave., 15th Floor, Courtroom A
San Francisco, CA 94102

RECEIVED

NOV X 7 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Re: Randy Pankey v. City of Concord
United States District Court Case No. C06-03737 (JCS)

Dear Judge Magistrate Spero:

I am writing this letter to request an additional 12 days in which to respond to Plaintiff's "Motion for Collateral Estoppel and Demand for Damages," up to and including November 22, 2006.

As Your Honor pointed out at the November 3, 2006 Motion to Dismiss hearing, the pending motion by plaintiff appears to be in the nature of a summary judgment motion. Given the gravity of this motion, not to mention plaintiff's \$45 million damages demand, I want to ensure on my clients' behalf that a comprehensive opposition is filed, including appropriate declarations. I note that the complaint names 8 individual police officers, all of whom work varying shifts, and are frequently difficult to contact. Accordingly, separate and apart from the time needed to prepare an opposition brief, the logistics of contacting, meeting with and preparing declarations for the respective officers also will take a considerable amount of time. Moreover, the officer defendants have not yet appeared in the case, thus separate answers on their behalf will need to be prepared during the intervening period, assuming they agree to accept service of the summons and complaint.

On a personal note, I have an extremely busy litigation schedule over the next two weeks, and since I am the only attorney in the City Attorney's Office who handles litigation matters, there are no other attorneys who can provide assistance.

I thank you for your consideration of the forgoing.

Hon. Joseph C. Spero
November 3, 2006
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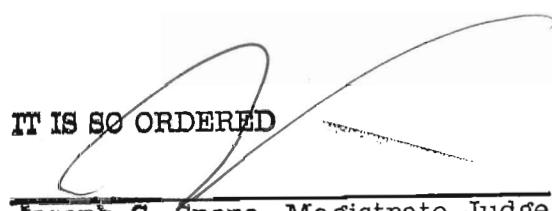
Respectfully,

CRAIG LABADIE
City Attorney



By: MARK S. COON
Assistant City Attorney

cc: Randy Pankey



IT IS SO ORDERED

Joseph C. Spero, Magistrate Judge

11/11/06
Date

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RANDY PANKEY,

Plaintiff,

v.

CITY OF CONCORD, ET AL.,

Defendant.

Case Number: CV06-03737 JCS

CERTIFICATE OF SERVICE

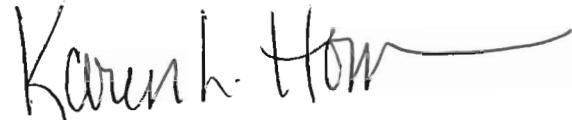
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 7, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark S. Coon
City of Concord
City Attorney's Office
1950 Parkside Dr.
MS/08
Concord, CA 94519

Randy Pankey
3544 Thunderbird Drive
Concord, CA 94520

Dated: November 7, 2006


Richard W. Wiking, Clerk
By: Karen Hom, Deputy Clerk